



DEPARTMENT OF THE ARMY

ST. PAUL DISTRICT, CORPS OF ENGINEERS

ARMY CORPS OF ENGINEERS CENTRE

190 FIFTH STREET EAST

ST. PAUL, MN 55101-1638

REPLY TO
ATTENTION OF

October 22, 2001

Construction-Operations
Regulatory (02-00362-TJF)

Ms. Lydia Nelson
URS
Thresher Square
700 Third Street South
Minneapolis, Minnesota 55415

Dear Ms. Nelson:

We have reviewed information about a project of the White Bear Lake Racquet and Swim Club that involved a minor wetland encroachment to expand an existing parking lot. The wetland area is located immediately north of the tennis court domes, and east of the parking lot, in the SE 1/4 Sec. 16, T. 30N., R. 22W., Ramsey County, Minnesota.

We have determined that the waterbody impacted is not a "water of the United States" because it is: (1) not a "navigable water" as defined by Federal law, (2) not an interstate water, (3) not part of a tributary system to (1) or (2), (4) not a wetland adjacent to any of the foregoing, and (5) not an impoundment of any of the above. In addition, the interstate commerce nexus to this particular waterbody is insufficient to establish Clean Water Act jurisdiction. This waterbody is therefore not subject to regulation by the Corps of Engineers under Section 404 of the Clean Water Act. Please note that a water that is not navigable under Federal law may still be "navigable" as defined by state law (and may therefore be subject to regulation by the state).

This jurisdictional determination takes into consideration the U.S. Supreme Court's decision in Solid Waste Agency of Northern Cook County v. Corps of Engineers (the SWANCC decision).

This jurisdictional determination is valid only for the project and waterbody referenced above. It is based on the Headquarters guidance available to us at this time. PLEASE NOTE THAT THIS LETTER DOES NOT ELIMINATE THE NEED FOR OTHER FEDERAL, STATE, LOCAL, OR OTHER AUTHORIZATIONS.

If you have any questions, contact Timothy J. Fell in our St. Paul office at (651) 290-5360. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,


Robert J. Whiting
Chief, Regulatory Branch